

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Terminal Alley, LLC	
t/a Terminal Alley	Protest
3701 Benning Road, NE	Hearing
Retailer CT - ANC-7F	(Status)
License No. 93986	
Case #14-PRO-00027	

(Application for a New
License)

July 23, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:42 a.m.)

3 CHAIRPERSON MILLER: The next case
4 is also another Protest Hearing (Status) case.
5 It's No. 14-PRO-00027, Terminal Alley located
6 at 3701 Benning Road, N.E., License No. 93986,
7 in ANC-7F.

8 When you are ready, if you could
9 identify yourselves for the record?

10 MR. PASCAL: Good morning, Ms.
11 Miller and fellow Board Members. My name is
12 Paul L. Pascal of Pascal & Weiss, counsel for
13 the applicant.

14 MR. CLEMENTS: Ted Clements,
15 Terminal Alley, owner.

16 CHAIRPERSON MILLER: Okay.

17 MS. FARMER: Good morning, Jessica
18 Farmer from Holland & Knight for the
19 protestant, Celia Properties.

20 MR. BURKA: And David Burka.

21 CHAIRPERSON MILLER: Okay. Are
22 there any issues you wish to bring to our

1 attention before I go ahead and give you the
2 Protest Hearing date and similar instructions
3 as to what I gave the previous case?

4 MR. PASCAL: Not at this time.

5 MS. FARMER: The one thing I
6 wanted to mention, basically, we had a
7 previous mediation date of May 5th.

8 MEMBER SILVERSTEIN: Please speak
9 into the --

10 MS. FARMER: Oh, sure. We had a
11 previous mediation date of May 5th that we had
12 pretty much put on hold while we awaited the
13 order in DC Eagle, so I don't know if it's
14 something that we may want to consider doing
15 another mediation in the meantime, but that's
16 the only thing we wanted to bring to the
17 attention of the Board.

18 But the Protest date of October 8th
19 is fine.

20 CHAIRPERSON MILLER: Okay.

21 MR. PASCAL: That's fine. And if
22 things change, we will be glad to pick up the

1 phone and --

2 MS. FARMER: Sure.

3 MR. PASCAL: -- talk to them and
4 arrange it.

5 CHAIRPERSON MILLER: Okay. So
6 your Protest Hearing date is October 8, 2014
7 at 4:30 p.m., which is a few months away. So
8 what I'm hearing is you may -- you are going
9 to talk among yourselves about getting
10 together for mediation or not.

11 MS. FARMER: Yes.

12 CHAIRPERSON MILLER: Okay. Okay.
13 As I told the previous parties in the previous
14 case, the Board has two forms that it sends
15 out a few weeks before the Protest Hearing.
16 Ms. Anderson sends them out. If you don't get
17 them a few weeks ahead of time, you can check
18 with her about that, but she is very good
19 about sending them out.

20 They are very critical to the
21 hearing process. Basically, the Protest
22 Information Form you will be identifying your

1 witnesses and your issues. Witnesses have to
2 be identified by full name. And that form is
3 very important.

4 In the past, a case has been
5 dismissed if it hasn't been submitted within
6 seven days and served on the other party
7 within seven days.

8 And also is the Exhibit Form,
9 which you list your exhibits and attach them
10 thereto and serve them on both the Board and
11 the opposing parties.

12 As we get to hearing, if exhibits
13 aren't on the form, they may be subject to
14 dismissal upon a finding that the opposing
15 party has been prejudiced or no good cause for
16 the failure to submit has been shown.

17 Okay. So as I was saying, these
18 work very well when the parties actually, you
19 know, do them correctly. The hearings go very
20 smoothly. Everyone is on notice and there
21 isn't much squabbling. Okay.

22 If you don't have any questions,

1 that completes your case.

2 MS. FARMER: Thank you.

3 MR. PASCAL: Thank you.

4 CHAIRPERSON MILLER: Okay.

5 MR. PASCAL: Thank you. Have a
6 good day.

7 CHAIRPERSON MILLER: Okay. Thank
8 you.

9 (Whereupon, the Protest (Status)
10 Hearing in the above-entitled matter was
11 concluded at 9:46 a.m.)

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<p>A</p> <p>a.m 2:2 6:11 above-entitled 6:10 ahead 3:1 4:17 Alcoholic 1:2,12,12 Alley 1:5,6 2:5,15 ANC-7F 1:7 2:7 Anderson 4:16 applicant 2:13 Application 1:9 arrange 4:4 attach 5:9 attention 3:1,17 awaited 3:12</p> <p>B</p> <p>basically 3:6 4:21 Benning 1:6 2:6 Beverage 1:2,12,12 Board 1:2,12 2:11 3:17 4:14 5:10 bring 2:22 3:16 BROOKS 1:16 Building 1:13 Burka 2:20,20</p> <p>C</p> <p>case 1:8 2:3,4 3:3 4:14 5:4 6:1 cause 5:15 Celia 2:19 Chairperson 1:14 1:16 2:3,16,21 3:20 4:5,12 6:4,7 change 3:22 check 4:17 Clements 2:14,14 COLUMBIA 1:1 completes 6:1 concluded 6:11 consider 3:14 Control 1:2,12,12 correctly 5:19 counsel 2:12 critical 4:20 CT 1:7</p> <p>D</p> <p>D.C 1:13 date 3:2,7,11,18 4:6</p>	<p>David 2:20 day 6:6 days 5:6,7 DC 3:13 dismissal 5:14 dismissed 5:5 DISTRICT 1:1 doing 3:14 DONALD 1:16</p> <p>E</p> <p>Eagle 3:13 Exhibit 5:8 exhibits 5:9,12</p> <p>F</p> <p>failure 5:16 Farmer 2:17,18 3:5 3:10 4:2,11 6:2 fellow 2:11 finding 5:14 fine 3:19,21 form 4:22 5:2,8,13 forms 4:14 full 5:2</p> <p>G</p> <p>getting 4:9 give 3:1 glad 3:22 go 3:1 5:19 going 4:8 good 2:10,17 4:18 5:15 6:6</p> <p>H</p> <p>hearing 1:6,13 2:4 3:2 4:6,8,15,21 5:12 6:10 hearings 5:19 HECTOR 1:17 hold 3:12 Holland 2:18</p> <p>I</p> <p>identified 5:2 identify 2:9 identifying 4:22 important 5:3 Information 4:22</p>	<p>instructions 3:2 issues 2:22 5:1</p> <p>J</p> <p>JAMES 1:18 Jessica 2:17 July 1:11</p> <p>K</p> <p>Knight 2:18 know 3:13 5:19</p> <p>L</p> <p>L 2:12 License 1:7,9 2:6 list 5:9 LLC 1:5 located 2:5</p> <p>M</p> <p>matter 1:4 6:10 mediation 3:7,11 3:15 4:10 MEETING 1:3 Member 1:16,17,17 1:18 3:8 Members 2:11 mention 3:6 met 1:12 MIKE 1:17 Miller 1:14,16 2:3 2:11,16,21 3:20 4:5,12 6:4,7 months 4:7 morning 2:10,17</p> <p>N</p> <p>N.E 2:6 N.W 1:13 name 2:11 5:2 NE 1:6 New 1:9 notice 5:20</p> <p>O</p> <p>October 3:18 4:6 Oh 3:10 Okay 2:16,21 3:20 4:5,12,12 5:17,21 6:4,7</p>	<p>opposing 5:11,14 order 3:13 owner 2:15</p> <p>P</p> <p>P-R-O-C-E-E-D-... 2:1 p.m 4:7 parties 4:13 5:11 5:18 party 5:6,15 Pascal 2:10,12,12 3:4,21 4:3 6:3,5 Paul 2:12 phone 4:1 pick 3:22 Please 3:8 prejudiced 5:15 PRESENT 1:15 presiding 1:14 pretty 3:12 previous 3:3,7,11 4:13,13 process 4:21 Properties 2:19 Protest 1:6 2:4 3:2 3:18 4:6,15,21 6:9 protestant 2:19 put 3:12</p> <p>Q</p> <p>questions 5:22</p> <p>R</p> <p>ready 2:8 record 2:9 Reeves 1:13 Retailer 1:7 Road 1:6 2:6 RODRIGUEZ 1:17 Room 1:13 Ruthanne 1:14,16</p> <p>S</p> <p>saying 5:17 sending 4:19 sends 4:14,16 serve 5:10 served 5:6 seven 5:6,7</p>	<p>SHORT 1:18 shown 5:16 SILVERSTEIN 1:17 3:8 similar 3:2 smoothly 5:20 speak 3:8 squabbling 5:21 Status 1:7 2:4 6:9 Street 1:13 subject 5:13 submit 5:16 submitted 5:5 Suite 1:13 sure 3:10 4:2</p> <p>T</p> <p>t/a 1:6 talk 4:3,9 Ted 2:14 Terminal 1:5,6 2:5 2:15 Thank 6:2,3,5,7 thereto 5:10 thing 3:5,16 things 3:22 time 3:4 4:17 told 4:13 two 4:14</p> <p>U</p> <p>V</p> <p>W</p> <p>want 3:14 wanted 3:6,16 Washington 1:13 weeks 4:15,17 Weiss 2:12 wish 2:22 witnesses 5:1,1 work 5:18</p> <p>X</p> <p>Y</p> <p>Z</p> <p>0</p>
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